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NEW LABOUR, NEW CODES OF CONDUCT?: the potential for changing direction on British government policy towards Indonesia and East Timor subsequent to the Labour Party's general election victory in 1997

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This paper will take stock of the potential consequences of the change of government in the United Kingdom as a result of the Labour Party's landslide victory in the general election of May 1997. The focus will be upon some of the foreign policy, arms and aid questions opened up by Labour's accession to high office - with the particular emphasis here being upon the possible implications for Indonesia and East Timor. While it is still too early to make a reliable judgement on the above matters - not least, since the new government under Tony Blair's leadership is proceeding to find its feet, after Labour has been out of office during eighteen years of Conservative Party rule - nevertheless, there are some markers and indicators of the stated aspirations and good intentions of the Labour government. It is against these laudable yardsticks (discussed below) that Labour party policy and practice will be ultimately judged. Again, while not attempting to be exhaustive, we can try to identify herein how those individuals and organisations concerned about human rights and justice in East Timor might input into the process of encouraging the Labour government to realise their objectives - notably those as set out in such key documents as the Labour Party 1997 manifesto and the much publicised Mission Statement for the Foreign and Commonwealth Office (FCO), expounded by the Foreign Secretary, Robin Cook, on 12 May 1997 (see below). The objectives of this paper, therefore, are twofold : first, to identify the broad human rights and ethical themes incorporated into Labour's programmatic guidelines; and, second, to highlight when, where and how East Timorese supporters and activists might intervene to lobby and pressurise the British Labour government to apply its human rights criteria in the context of seeking a fair, just and peaceful settlement for East Timorese people.

From Conservative to Labour

For human rights, arms sales and development aid monitors and activists, the previous British Conservative government's policy and practice towards Indonesia and East Timor left much to be desired. For instance, export licences had been granted for the sale of weaponry to Indonesia - such as armoured personnel carriers(APCs), Tactica water cannons, and Hawk aircraft - which has been used for purposes of internal repression (ENAAT,1997). The Conservative government was not of the view that an arms embargo would improve the human rights situation in Indonesia and East Timor. At the same time the government claimed not to be in the business of granting export licenses for equipment judged 'likely to be used for internal repression'. In fact, as recently as late 1996, licenses were granted for precisely such equipment, thereby provoking the criticisms in the UK of bodies such as Amnesty International(AI), TAPOL(The Indonesian Human Rights Campaign), the British Coalition for East Timor(BCET) and the Campaign against the Arms Trade (CAAT). Similar criticisms have focused upon the training of Indonesian military officers in the UK, a practice well-exposed in a recent 'World in Action'(1997) two part television documentary by Martyn Gregory.

As well as with the arms trade policy under the Conservatives, serious questions have been asked about the circumstances under which development aid has been granted to Indonesia. This issue has been well documented (see, for instance, ENAAT, 1997; Clwyd, 1995; National Audit Office, 1996; Smallbone,1996; 1997). In essence, the previous government stands accused of giving aid not on the basis of need but to attract future trade and arms orders. Of particular concern here, for instance, is the provision of training for the Indonesian National Police due to the latter's close integration with the military establishment. As Paul Barber (1995:13) has pointed out : 'The Indonesian police force is part of the armed forces (ABRI) and cannot, therefore, be dissociated from the widespread repression and human rights violations perpetrated by the military.' These violations have been well-documented by UN agencies and respected NGOs (see, for instance, Amnesty International, 1994). Ann Clwyd's study of British aid to Indonesia also concludes that through the police training programme: 'It is likely... that the Government is looking to foster its influence over senior officers...who are potential buyers of British arms/security equipment. In any event, there is...absolutely no consideration for human rights and poverty reduction (Clwyd, 1995: 28).' The same study questions British government support (via aid) for internal monitoring and surveillance work by the Indonesian authorities as well as legitimisation of Indonesia's unlawful occupation and annexation of East Timor through funding of the transmigration policy and operations which have served to (advantageously) resettle Indonesians in the occupied territory.

The National Audit Office report prompted strong criticisms from the Labour opposition front bench, including a call for an urgent inquiry in view of the serious concerns about government aid to Indonesia being linked to arms sales. Thus, according to Shadow Minister for Overseas Development, Clare Short:

> There is evidence in this report of a possible link between aid and arms...It is imperative that we have a full inquiry with access to all the evidence, in order to investigate whether there was a link between arms to Indonesia and arms sales...Indonesia has violated human rights. Yet government aid to state projects in Indonesia has increased by 50% in recent years, whilst the overall aid budget has been slashed (Press release from the Labour Party, **Labour calls for inquiry into aid for Indonesia**, 29 November 1996).

Overall, in the previous British government's arms, aid and foreign policy practices insufficient emphasis was placed upon human rights criteria vis-à-vis Indonesia and East Timor. It is not that the Conservative spokespersons did not recognise that violations and abuses of human rights were taking place, but quiet, gentle and (in human rights terms) ultimately ineffective diplomacy and a 'business as usual' approach - despite some tokenistic exceptions, such as signing up for the EU's common position on East Timor (see below) - were very much the order of the day.

New Labour, new perspectives?

Labour's manifesto for the 1997 general election (**Because Britain deserves better)** placed emphasis upon 'telling the truth' and 'being prepared to give a moral lead'. This choice of language was clearly intended to imply a critique of the previous government's political style and practices in office. In the section of the manifesto on foreign policy, moreover, the Labour Party promised to be 'an advocate of human rights and democracy the world over' (Labour Party, 1997: 37). In the sub-section here on arms control, Labour's stated intentions were that :

> Labour will not permit the sale of arms to regimes that might use them for internal repression or international aggression. We will increase the transparency and accountability of decisions on export licenses for arms. And we will support an EU (European Union) code of conduct governing arms sales (Labour Party, 1997: 38-39).

The wording of the manifesto here could offer some encouragement to campaigners against arms sales to Indonesia. As one such source suggested, the first commitment - with its stress upon *might* - was a 'potentially significant' shift from the Conservatives' policy of claiming to deny export licenses for equipment which was *likely* to be used for internal repression (**TAPOL Bulletin** No. 141, July 1997). A similar assessment has been made by Malcolm Chalmers in a recent report for Saferworld, an independent research group working to promote practical solutions to international conflict. Chalmers suggests cautiously that the wording of the Labour Party's policy commitment 'may, or may not' represent 'a significant difference from the policy of the last government' (Chalmers, 1997: 7). Nobel Peace Laureates (1996), José Ramos-Horta and Bishop Belo, and Indonesia's leading trade unionist, Muchtar Pakpahan have unsurprisingly been at the forefront of those calling on the new Labour government to cut back on arms sales to Indonesia. Without doubt, Labour's future record in this sphere will be monitored and assessed closely with widespread expectations that decision-makers translate manifesto commitments into good practice. Again, as TAPOL (see above reference) rightly points out, Indonesia has emerged as the *de facto* test case of Labour's arms and foreign policy, with considerable critical media attention in evidence and much interest in the outcome of the imminent policy review - announced by the incoming Foreign Secretary, Robin Cook, to examine *inter alia* the criteria used to determine export licence applications. Labour, in opposition, had been critical of the Conservatives' arms policy, notably concerning the arms to Iraq scandal, by which arms from British suppliers had circuituously avoided sanctions to end up in Iraq. The subsequent furore had led to the previous British government agreeing, somewhat reluctantly, to set up a public inquiry which resulted in the Scott Inquiry Report. Prior to the general election, the Labour Party made known both its criticisms and intentions on arms sales and these were elaborated upon in **Labour's Policy Pledges for a Responsible Arms Trade : Eight steps to stop the arms-to-Iraq scandal happening again** (Labour Party press release, undated but c. 1997) Some of the wording herein was to form the basis of the aforementioned manifesto commitment on arms sales. Step one, for instance, declared that:

> A Labour Government will not issue export licenses for the sale of arms to regimes that might use them for internal repression or international aggression, nor will we permit the sale of weapons in circumstances where this might intensify or prolong existing armed

conflicts or where these weapons might be used to abuse human rights (Labour Party, 1997a).

Of note here, then, is the Labour Party's commitment on export licensing, which is linked to a critique of the Conservative government's record (and, by implication, a declaration to the effect that 'Britain deserves better') but also there is a clear concern for enhancing human rights standards. Again, this aspect finds an echo in Labour's manifesto. Labour thus promises to use Britain's permanent seat on the United Nations' Security Council to press for the protection of human rights. Furthermore, in a specific sub-section on human rights, the manifesto contends that :

> Labour wants Britain to be respected in the world for the integrity with which it conducts its foreign relations. We will make the protection and promotion of human rights a central part of our foreign policy. We will work for the creation of a permanent international criminal court to investigate genocide, war crimes and crimes against humanity (Labour Party, 1997: ?).

All these aspirations offer some potential encouragement for those concerned with human rights and justice for East Timor. Not least, for instance, an international criminal court would provide the arena in which the phenomenal loss of life in East Timor since 1975 (one third of the pre-invasion population according to Amnesty International, 1994) - as a consequence of the brutal Indonesian occupation, should be examined and accounted for. Genocide is an accusation that has been applied understandably and without exaggeration to this situation (see, for instance, Smallbone, 1996; 1997). Would, however, an incoming Labour government be able and willing to implement the above policy objectives? This is a question that has preoccupied East Timor supporters since Labour's victory.

Undoubtedly, an initial cause for optimism in relation to the above query was the setting out of a Mission Statement by Foreign Secretary Cook, expounded for the FCO on 12 May 1997, only days after the general election success. Cook's keynote press conference address proclaimed that Labour would 'give a new momentum to arms control and disarmament'. Especially commented upon by the media was the Foreign Secretary's pledge to bring an 'ethical dimension' to British foreign policy :

> The Labour Government does not accept that political values can be left behind when we check in our passports to travel on diplomatic business. Our foreign policy must have an ethical dimension and must support the demands of other people for the democratic rights on which we insist for ourselves. The Labour Government will put human rights at the heart of our foreign policy and will publish an annual report on our work in promoting human rights abroad.

Significantly, the Foreign Secretary presented the Mission Statement as setting out 'new directions in foreign policy': 'It supplies an ethical content to foreign policy and recognises that the national interest cannot be defined only by narrow realpolitik.' Moreover, the Statement was projected by the Foreign Secretary as a programme

for diplomatic staff abroad whose skills would be important in helping government ministers to 'achieve our aims and measure up to our benchmarks'. At his press conference, Robin Cook explained that he would personally be communicating the Statement to FCO staff, assisted too by a specially commissioned video made with the help of the distinguished film producer, Sir David Puttnam.

Other government ministers have confirmed this new, broad approach to British foreign policy, at the same time seemingly strenghtening and extending it. For instance, Minister of State at the FCO, Tony Lloyd has promised that Britain would be a 'responsible player' in the international arms market, contributing to human rights and displaying a 'responsible attitude'. Addressing a Saferworld seminar, on 9 June 1997, Lloyd made or confirmed a number of promises, including non-issue of export licenses where arms might be used for internal repression or international aggression, increased transparency and accountability of decisions on export licenses for arms sales, plus stronger monitoring of end-use of defence exports to prevent diversion to third countries or abuses. The Minister promised tougher monitoring and standards at a national level but also looked to working with partners in Europe - for an EU Code of Conduct on arms exports - and beyond (Lloyd, 1997). Perhaps unsurpisingly, Lloyd refused to be drawn into naming any specific country as regards applying the above criteria, not wishing to prejudge the outcome of the imminent inter-departmental review of British arms sales. However, it should be noted that the Foreign Secretary was reported in the media (see, for instance, **The Guardian**, 12 June 1997) as being alarmed at the focus on arms sales to Indonesia, in particular, following his FCO Mission Statement. Arguably, this served to confirm the view , expressed above, that Indonesia would be seen widely as a sort of litmus test of the Labour government's policy resolve. Interestingly, a decision on the export licenses for sixteen Hawk fighter aircraft was reported as expected in the near future but there are suggestions that the previous government had misled Parliament on past sales and licensing. According to Fran Abrams ('Parliament misled over Hawk sales', **The Independent**, 14 July 1997.): 'The disclosure means that a decision on whether to allow new exports, expected to test Robin Cook's new ethical foreign policy, may not have to be made in the near future'. Nevertheless, the Liberal Democrat spokesperson on defence, Menzies Campbell, has suggested that the cancellation of the former government's export licenses would show that the new Labour government was 'serious' while Barry Coates, Director of the World Development Movement (ODM), asked for a 'clear statement to say, in future, orders like this would not be permitted' (see **The Independent**, 14 July 1997).

East Timor and the British Labour Party: what is to be done?

Despite the awarding of the Nobel Peace Prizes to Jose Ramos-Horta and Bishop Belo in December 1996, repression and human rights abuses have intensified in their native East Timor throughout 1997.....(NB This section to be updated and completed. Author).....

In view of this disturbing situation, how might East Timor sympathisers and activists focus their campaigning in order to help ensure that the Labour Party and government translate their manifesto and policy commitments and statements into positive directions for peace, justice and human rights in East Timor? Without trying to be exhaustive here, what are the occasions, avenues and opportunities which

might be maximised and exploited in this context? First, it is worth stressing that the Labour Party has both a massive parliamentary enabling majority and simultaneously a mandate (even a responsibility) for change - away from and against the less ethical practices of its predecessors on arms sales, aid and foreign policy. Second, it is also instructive to note how the incoming government itself perceived the period ahead as regards these broad areas. Thus, in the FCO Mission Statement, the Foreign Secretary proclaimed that the 'next twelve months provide the greatest opportunities in a generation for Britain to take a leading part on the world stage'. Robin Cook pointed to 'a cluster of opportunities for Britain to provide leadership...and make the next year a uniquely exciting and rewarding period in foreign affairs'. Central to this cluster were the EU intergovernmental conference (June, 1997), British presidency of the EU (January to June, 1998) and the Europe/Asia summit (ASEM) (April, 1998). Such occasions, of course, provide ideal and crucial stages (in effect, a parallel cluster of opportunities) for highlighting and campaigning for the East Timorese cause - bearing in mind the Mission Statement's aspiration to realise 'an ethical content to foreign policy' and the accompanying recognition that 'the national interest cannot be defined only by narrow realpolitik'.

As regards the EU dimension, it should be noted that the government is seeking to make the UK a leading player in the EU and to shape the direction of Europe, in contrast to the perceived stance of the previous Conservative goverments. Ideally, therefore, Labour leadership of the EU - during the troika and the presidency phases - should be marked by a commitment of the EU to a stronger ethical agenda in questions of human rights, arms sales, aid and relations with third countries. Potentially, and in cooperation with other like-minded governments, Labour leadership of the EU could make a substantial contribution to conflict resolution in East Timor. Meetings between Robin Cook and Jose Ramos-Horta - both immediately before and after the British general election - testified to the Foreign Secretary's ongoing interest in and sympathy for the East Timorese cause and, significantly, he has promised to support Portugal's position on East Timor at the EU and the UN. The EU, of course, has a common position on East Timor (adopted in February, 1996 - see Appendix 1), which 'pledged to contribute to the achievement of a fair, comprehensive and internationally acceptable solution to the question of East Timor, which fully respects the interests and legitimate aspirations of theTimorese people, in accordance with international law' (CIIR, 1996: 23). In practice, this has not meant too much although it is noteworthy that, during the recent Dutch presidency , the EU proposed a strongly worded resolution on East Timor at the 53rd session of the United Nations Commission on Human Rights (UNCHR) in sprng 1997 (see **Timor Link**, Number 39, April 1997 and, for text of the resolution, Appendix 2 below). Ramos-Horta has expressed some satisfaction with the Dutch EU presidency (see, for instance, **Maubere. Newsletter of the East Timor Ireland Solidarity Campaign**, Issue 12, June 1997) while Stephen Baranyi, the CIIR's human rights policy officer for Asia, has suggested that the UN resolution 'will provide a clear benchmark against which to measure the behaviour of the Indonesian government over the coming year...(and)...it is hoped that the government of Indonesia will reflect on this strong signal from the highest body of the UN rights system and seize the opportunity to reconsider its policy on East Timor' (**Timor Link**, April 1997). A proactive British Labour Party in Europe could certainly take a lead in these matters, not least since the next UNCHR sessions (as well as the hearings of the UN's Decolonisation Committee) will coincide with the

British EU presidency - including the British chairing and hosting of the ASEM meeting in London. The task of the domestic (ie UK) and global East Timor support and solidarity movement will be to engage the British Labour Party to further the quest for human rights and justice in East Timor within the laudable parameters of Labour's own policy commitments and European vocation. It is not an exageration to suggest that a window of opportunity has been opened up by the British Labour Party (*new Labour*)'s general election victory. Whether this signifies a 'new era or a false dawn' (**Tapol Bulletin**, July 1997) remains to be seen.

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NB First and incompleted draft / should not be quoted. PH (author).

The UN resolution

SITUATION OF HUMAN RIGHTS IN EAST TIMOR

The Commission on Human Rights

Reaffirming that all member states have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable instruments,

Mindful that Indonesia is a party to the Convention on the Rights of the Child, the Convention on the Elimination of all forms of Discrimination against Women and to the Geneva Conventions of 1949 on the protection of victims of war,

Recalling its resolution 1993/97 of 11 March 1993, and bearing in mind previous statements by the Chairman of the Commission on the situation of human rights on East Timor at its forty-eighth, fiftieth, fifty-first and fifty-second sessions,

1. Welcomes
a. The report by the Secretary-General (E/CN.4/1997/51) and his recent nomination of a special representative;
b. The continuing efforts of the Indonesian National Commission on Human Rights to investigate human rights violations, and its decision to establish an office in Dili, East Timor;
c. The commitments by the Government of Indonesia to continue the dialogue under the auspices of the Secretary-General for achieving a just, comprehensive and internationally acceptable solution to the question of East Timor;

2. Expresses its deep concern
a. At the continuing reports of violations of human rights in East Timor, including reports of extrajudicial killings, disappearances, torture and arbitrary detention as reported in the reports of the Special Rapporteur on torture (E/CN.4/1997/7), the Special Rapporteur on extrajudicial, summary, or arbitrary executions (E/CN.4/1997/60), the Working Group on Arbitrary Detention (E/CN.4/1997/4 and Add.1), and the Working Group on Enforced or Involuntary disappearances (E/CN.4/1997/34);
b. At the lack of progress made by the Indonesian authorities towards complying with their commitments undertaken in statements agreed by consensus at previous sessions of the Commission;
c. That the Government of Indonesia has not yet invited thematic rapporteurs and working groups of the Commission to East Timor, in spite of commitments undertaken to do so in 1997;
d. At the policy of systematic migration of persons to East Timor;

3. Calls upon the Government of Indonesia
a. To take the necessary measures in order to ensure full respect for the human rights and fundamental freedoms of the people of East Timor;
b. To ensure the early release of East Timorese detained or convicted for political reasons and to clarify further the circumstances surrounding the violent incident that took place in November 1991;
c. To ensure that all East Timorese in custody are treated humanely and in accordance with international standards, and that all trials on East Timor are conducted in accordance with international standards;
d. To cooperate fully with this Commission and its thematic rapporteurs and working groups, and to invite these rapporteurs and working groups to visit East Timor, in particular the Special Rapporteur on torture, in line with the commitment undertaken to invite a thematic rapporteur in 1997;
e. To undertake all necessary action in order to upgrade the memorandum of intent of 26 October 1994 on technical cooperation into the envisaged memorandum of understanding, and requests in this regard the United Nations High Commissioner for Human Rights to report on the follow-up to the memorandum of intent;
f. To bring about the envisaged assignment of a programme officer of the Office of the United Nations High Commissioner for Human Rights at the Jakarta office of the United Nations Development Programme, as follow-up to the commitment undertaken, and to provide this officer with unhindered access to East Timor;
g. To provide access to East Timor for human rights organisations;

4. Decides
a. To consider the situation in East Timor at its fifty-fourth session under the agenda item entitled 'Question of the violation of human rights and fundamental freedoms in any part of the world' on the basis of the reports by special rapporteurs and working groups and that of the Secretary-General;
b. To encourage the Secretary-General to continue his good offices mission for achieving a just, comprehensive and internationally acceptable solution to the question of East Timor and in this framework to encourage the all-inclusive intra-East Timorese dialogue to continue under the auspices of the United Nations.

Geneva, 16 April 1997

How they voted at UNCHR 53

For: Angola, Austria, Brazil, Bulgaria, Canada, Cape Verde, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, France, Germany, Ireland, Italy, Mozambique, Netherlands, United Kingdom, United States of America, Uruguay.

Against: Bangladesh, Bhutan, China, Cuba, Egypt, India, Indonesia, Madagascar, Malaysia, Nepal, Pakistan, Philippines, Sri Lanka, Zimbabwe.

Not participating: Ukraine.

Abstained: Algeria, Argentina, Belarus, Benin, Chile, Colombia, Ethiopia, Gabon, Guinea, Japan, Mali, Mexico, Nicaragua, Republic of Korea, Russian Federation, South Africa, Uganda, Zaire.

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CIIR Comment

The European Union's Common Position on East Timor

In its 'Common Position Concerning East Timor' (cleared for publication 25 June 1996) the Council of the European Union says it intends to pursue the following aims:

- to contribute to the achievement by dialogue of a fair, comprehensive and internationally acceptable solution to the question of East Timor, which fully respects the interests and legitimate aspirations of the Timorese people, in accordance with international law

- to improve the situation in East Timor regarding respect for human rights in the territory.

To further these aims, the Position says, the European Union

- supports the initiatives undertaken in the United Nations framework which may contribute to resolving this question

- supports the current talks under the aegis of the UN secretary general with the aim of achieving effective progress

- encourages the continuation of intra-Timorese meetings under the auspices of the United Nations

- calls on the Indonesian government to adopt effective measures leading to a significant improvement in the human rights situation in East Timor, in particular by implementing fully the relevant decisions adopted by the United Nations Commission on Human Rights

- supports all appropriate action with the objective of generally strengthening respect for human rights in East Timor and substantially improving the situation of its people, by means of the resources available to the European Union and aid for action by NGOs.

tapol

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Honorary Treasurer: Tom Soper
Organising Secretary: Carmel Budiardjo
Administration: Stephen David

July 1997

Dear Supporter,

STOP ARMS TO INDONESIA CAMPAIGN
TIME FOR ACTION

The campaign against arms sales to Indonesia has reached a critical stage. The Government has to be persuaded to match its rhetorical commitments to place human rights at the centre of foreign policy and tighten arms controls with hard policy decisions.

The Government is coming under intense pressure not to limit arms sales:

- Indonesian Foreign Minister, Ali Alatas is now using threats; he told Robin Cook that Indonesia will buy from other suppliers if Britain links arms sales to human rights.
- British arms companies are almost certainly lobbying hard to retain their lucrative trade with Indonesia.
- Three top Indonesian armed forces officers have been invited by the Government to the Royal Navy and British Army Equipment Exhibition in September.

To help counter this, please write to your MP as soon as possible

* Inform them of your concern that British-made equipment has been used by the Indonesian armed forces for internal repression and external aggression in East Timor (see the *Bulletin* articles, "Labour Government policy: New era or false dawn?" and "*World in Action* on British complicity in repression" for details to include in your letter).
* Ask them to call on the Government to revoke the licences granted to Procurement Services International and Alvis last December for the export of armoured vehicles and water cannon.
* Ask them to call for an immediate ban on arms sales to Indonesia.
* Ask them to call for the invitations to the armed forces officers to attend the arms fair in September to be withdrawn.
* Ask them to sign Early Day Motion No 201 on arms sales to Indonesia, which was tabled in the House of Commons on 3 July.

You can write to your MP at: House of Commons, London SW1A OAA. If possible, follow it up with a telephone call or visit. Please also ask others to write. Send us a copy of any reply you receive.

Your support is absolutely vital. Please spend a few minutes writing a letter now. Thank you.